(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

APPEAL FROM ORDER NO. 68 OF 2003

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri N. N. Sardessai, advocate for the appellant.

Shri A.N.S. Nadkarni, Advocate General with Shri S. R. Rivankar, Government Advocate for respondent nos. 1 and 6.

Shri V. G. P. Dukle, advocate for the Caveators/Respondent nos. 3, 4 and 5.

CORAM : SMT. NISHITA MHATRE, J.

DATE : 15th January, 2004

P.C.:

The Order impugned in this Appeal From Order is the Order refusing to grant an injunction against the respondents. It was the case of the appellant/plaintiff that defendant nos.1 and 2 had allotted shacks on the beach for running stalls, to defendant nos.3, 4 and 5, without following the proper procedure. The appellant/plaintiff urged that the stalls were allotted to defendant nos.3, 4 and 5 as they politically supported defendant

no.1. The learned trial Judge has considered these submissions, as also the other submissions made on behalf of the plaintiff.

There is no doubt that the plaintiff has already been allotted shack no.4 and is permitted to conduct her business there. All these shacks have been allotted upto 15th June, 2004. There is, therefore, no need to interfere at this interlocutory stage. Obviously all findings recorded by the learned trial Judge are prima facie and do not reflect upon the merits of the case. The trial Court while deciding the matter finally will decide the same uninfluenced by the prima facie findings.

Appeal From Order disposed of.

SMT. NISHITA MHATRE, J.

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